THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.7364 OF 2005

DATED: 18-09-2007

BETWEEN

Koppisetti Satyanarayana,
S/o. Swamy, Agriculturist,
R/o. Koppigunta Village,
Katrenikona Mandal,
East Godavari District.

...PETITIONER

AND

The District Collector,
Kakinada,
East Godavari District
and two others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in trying to dispossess him from the patta land admeasuring Ac.0.26 cents in Sy.No.75; Ac.0.16 cents in Sy.No.86 and Ac.0.12 cents in Sy.No.81 of Dontukurru Village, Katrenikona Mandal, East Godavari District, as illegal and arbitrary, on the ground that the D-form patta has been granted in his favour in the year 1985 and he planted coconut trees in the said land and enjoying the same pursuant to the pattadar passbook.

2. Petitioner filed a copy of the D-form patta said to have been granted on 30.12.1985 and the copy of the pattadar passbook showing the lands in question and other lands.

3. Counter has been filed on behalf of the respondents 1 to 3 stating that the lands in Sy.Nos.75, 86 and 81 are drain poramboke belonging to the Government and there was never any assignment in D-form patta in favour of anybody. The said lands were not assigned to the petitioner as alleged by him in the year 1985. No patta was given to the petitioner and the D-form patta filed by the petitioner goes to show that there is no proceeding number, therefore, the

said D-form patta is not traceable to the records and it is not a genuine document. It is further stated that the D-form patta discloses the name and seal of Mandal Adhikari, in fact, there is no designation of Mandal Adhikari as such, and the seal should be of Mandal Revenue Officer. Therefore, the said patta is fabricated and there is no sanctity to it. Insofar as the entry in the pattadar passbook is concerned,

it is stated that an attempt was made to get the particulars of the said land entered in the revenue records but the Mandal Revenue Officer never entered the said lands in the revenue records and no pattadar passbook and title deeds were issued at any time in respect of the said lands in favour of the petitioner.

It is further stated that two notices dated 28.03.2005 and 01.04.2005 have been issued to the petitioner for production of documents but the petitioner could not avail the opportunity as the family members of the petitioner refused to receive the same. Insofar as the entries in the pattadar passbook are concerned, it is stated that the said entries are related to the personal property of the petitioner i.e. Zeroythi land and there are no entries with regard to the said assigned lands. In fact, the petitioner himself made entries on his own without their being any proceedings of the Mandal Revenue Officer, therefore, the pattadar passbook relates to the private lands held by the petitioner but not the assigned lands. It is with a view to grab the Government land the said entries have been made by the petitioner, as if they have been made by the Mandal Revenue Officer and resorted to

filing this writ petition.

4. The fourth respondent, who is impleaded, filed a counter stating that the said lands in the aforesaid survey numbers are drain poramboke belonging to the Government and the same were not assigned to anybody as alleged by the petitioner. The lands of the fourth respondent are also abutting the said lands and under the guise of the interim orders the petitioner is interfering with her right to make use of the Government land for ingress and aggress.

5. As there is a dispute with regard to the genuineness of the D-from patta as well as the entries made in the revenue records with regard to the said lands, I am of the opinion that the disputed questions of fact cannot be decided in a writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

September 18, 2007
Note: Furnish C.C. of the order in one week.
(**B/o**)
DSK